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Attorneys for Plaintiff  
TESLA MOTORS, INC.

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

TESLA MOTORS, INC.

Plaintiff,

v.

HOERBIGER AUTOMOTIVE COMFORT  
SYSTEMS, LLC

Defendant.

Case No. 5:16-cv-00288 (EJD)

**JOINT STIPULATION AND  
~~PROPOSED~~ ORDER TO  
DISMISS WITH PREJUDICE**

Pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(ii), Plaintiff Tesla Motors, Inc. and Defendant Hoerbiger Automotive Comfort Systems, LLC, by and through their respective attorneys, do hereby stipulate to dismiss the above-entitled action in its entirety, with prejudice.

**IT IS SO STIPULATED.**

Dated: October 4, 2016

MORRISON & FOERSTER LLP

By: /s/ Derek F. Foran  
DEREK F. FORAN

Attorneys for Plaintiff  
TESLA MOTOR, INC.

Dated: October 4, 2016

JONES DAY

By: /s/ Jason McDonell  
JASON MCDONELL

Attorneys for Defendants  
HOERBIGER AUTOMOTIVE  
COMFORT SYSTEMS, LLC

**ATTESTATION CLAUSE**

I, Derek F. Foran, am the ECF User whose ID and password are being used to file this JOINT STIPULATION AND [PROPOSED] ORDER TO DISMISS WITH PREJUDICE. In compliance with Civil L. R. 5-1(i)(3), I hereby attest that Jason McDonell has concurred in this filing.

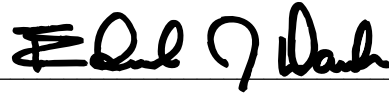
Dated: October 4, 2016

MORRISON & FOERSTER LLP

By: /s/ Derek F. Foran  
DEREK F. FORAN

1 **PURSUANT TO THIS STIPULATION, IT IS SO ORDERED.**

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4 Date: 10/6/2016

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8 Honorable Edward J. Davila

9 United States District Court Judge  
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